

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-450IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 23, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, Chapter 5 of Title 21 of the District of Columbia Official Code to provide that the commitment of a person for an indeterminate period under section 21-545 of the District of Columbia Official Code shall expire 548 days after the effective date of a federal law enacting provisions of the Mental Health Civil Commitment Act of 2002 that will make all subsequent commitments for a one-year period, unless the chief clinical officer of the Department, facility, hospital, or mental health provider has petitioned for recommitment of the person.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mental Health Civil Commitment Extension Emergency Act of 2004".

Sec. 2. Chapter 5 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "21-589.01. Interim provisions for term of commitment for persons committed prior to January 1, 2003." and inserting the phrase "21-589.01. Interim provisions for term of commitment." in its place.

(b) Section 21-589.01 is amended to read as follows:

"§ 21-589.01. Interim provisions for term of commitment.

"(a) The commitment of a person committed under section 21-545 for an indeterminate period of time shall expire 548 days after the effective date of the federal law enacting section 2(d), (e), (l)(2), (r)(3) and (4), (t), and (u) of the Mental Health Civil Commitment Act of 2002, effective April 4, 2003 (D.C. Law 14-283; 50 DCR 917), unless the chief clinical officer of the Department, facility, hospital, or mental health provider has petitioned for recommitment of the person.

"(b) A petition for recommitment under this section shall be subject to the provisions for a petition for renewal of commitment brought under section 21-545.01 unless the provision is inconsistent with this section.

"(c) A petition for recommitment may be filed at any time during the 548-day period, but not later than 60 days prior to the expiration of the 548-day period. For good cause shown, a petition for recommitment may be filed within the last 60 days of the 548-day period.

Note,
§ 21-589.01

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“(d) If a petition for recommitment is pending at the expiration of the 548-day period, the period of commitment shall be extended pending resolution of the petition.”.

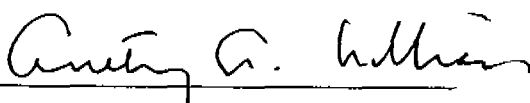
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

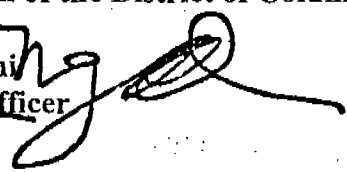
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICERNatwar M. Gandhi
Chief Financial Officer**MEMORANDUM**

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: MAY 28 2004

SUBJECT: Fiscal Impact Statement: "Mental Health Civil Commitments Emergency Extension Act of 2004"

REFERENCE: Draft Legislation – Bill Number Not Available

Conclusion

Funds are sufficient in the proposed FY 2005 through FY 2008 budget and financial plan to implement the proposed legislation because there is no significant financial impact associated with the provisions of the proposal.

Background

The proposed emergency legislation would postpone the expiration of certain mental health civil commitments ordered by the Superior Court.

The Council passed the Mental Health Civil Commitment Act, which took effect on April 4, 2003. This legislation provided that all indeterminate commitments be limited to one year terms, by allowing for their termination in July 2004 unless a petition for recommitment is filed. However, Congress has not yet approved the portions of the legislation that created a mechanism for reviewing and recommitting individuals. Thus, the proposed legislation would postpone the expiration of the commitments to allow for consideration, filing and prosecuting of recommitment petitions in existing cases.

Financial Plan Impact

Funds are sufficient in the proposed FY 2005 through FY 2008 budget and financial plan to implement the proposed legislation because there is no significant financial impact associated with the provisions of the proposal.

AN ACT
D.C. ACT 15-451

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 23, 2004

*Codification
District of
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Official Code*

2001 Edition

2004 Fall
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To amend, on an emergency basis, the District of Columbia Election Code of 1955 to allow the District of Columbia Board of Elections and Ethics to waive, for good cause, the requirement that the names of nominees for presidential electors be filed with the Board by the close of business on September 1 of each presidential election year.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Presidential Elector Deadline Waiver Second Emergency Amendment Act of 2004".

Sec. 2. Section 8(d) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 701; D.C. Code §1-1001.08(d)), is amended by striking the phrase "next preceding a presidential election" and inserting the phrase "next preceding a presidential election, unless the deadline is waived for good cause, by the Board" in its place.

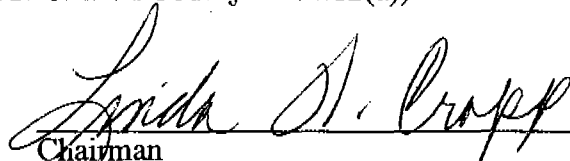
Note,
§ 1-1001.08

Sec. 3. Fiscal impact statement.

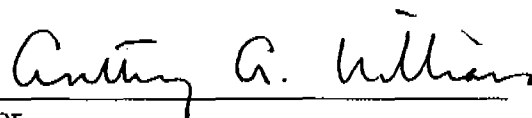
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 23, 2004

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT**

Type: Emergency (x) Temporary (x) Permanent ()	Date Reported: May 2004
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Subject/Short Title: "Presidential Elector Deadline Waiver Emergency Amendment Act of 2004"
"Presidential Elector Deadline Waiver Temporary Amendment Act of 2004"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
Explanation:		
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	(x)

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. The proposed legislation would affect the District of Columbia Board of Elections and Ethics. The proposed amendment would allow the Board to waive, for good cause, the requirement that the names of nominees for presidential electors be filed with the Board by the close of business on September 1 of each presidential election year.	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? The proposed legislation allows the Board to waive the current deadline, by which, political parties in the District of Columbia must file the names of nominees for presidential electors, as well as the names of the parties' candidates for the offices of President and Vice-President. Currently, the Board lacks the ability to waive this statutory deadline. This situation may pose a hardship for those political parties whose candidates for presidential electors are not named in time for their local committees to complete and submit the requisite filings.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? The proposed emergency legislation simply allows the Board of Elections and Ethics to waive the deadline by which political parties must file the names of nominees for presidential electors. The proposed change has no fiscal impact. This change would not impose additional costs on the District of Columbia Board of Elections and Ethics.	(x)	()

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-452IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 23, 2004*Codification
District of
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2001 Edition

2004 Fall
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Publisher

To require, on an emergency basis, that venues that attract large numbers of people inform the Metropolitan Police Department of their schedule and obtain adequate police presence at the event for the safety of the public.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Public Congestion and Venue Protection Emergency Act of 2004".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Congestion" means the significant increase in vehicular or foot traffic within the police service area where the venue is operated over a period of time not to exceed 8 hours that is associated with patrons congregating to attend and leave the venue.

(2) "Reimbursable detail" means an assignment of on-duty officers of the Metropolitan Police Department to patrol the surrounding area of each entrance of a public venue for the purpose of maintaining public safety, including the remediation of traffic congestion and the safety of public patrons, during their approach and departure from the venue.

(3) "Venue" means a place where the congregation of the public leads to:

(A) Street closures;

(B) Traffic congestion; or

(C) Unusual and significant increases in foot or vehicular traffic within or surrounding the entrance of a commercial building, place of public assembly, establishment required to have a license under D.C. Official Code § 25-102, school, public hall or any establishment or private function, or parking lots regularly used to attend functions at these places.

(4) "Venue operator" means an individual, corporation or proprietorship with a license to hold an event for-profit or not-for-profit at an establishment that leads to congestion surround the venue.

Sec. 3. Responsibility of venue operators.

All regular venue operators shall meet with the Metropolitan Police Department ("MPD") to develop an agreement with the MPD when holding a function that leads to an unusual and significant increase in foot or vehicular traffic to and from the police service area where the venue is located. This agreement shall:

(1) Provide procedures for the venue operator to inform the MPD when

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congestion of city streets within the police service area where the venue is located is expected to occur;

(2) Provide procedures for establishing reimbursable details at each venue as requested by the venue operator;

(3) Provide procedures for compensation of the MPD when reimbursable details are requested by the venue operator; and

(4) Provide the MPD with the obligation to staff reimbursable details as requested by the venue operator.

Sec. 4. Responsibility of the Metropolitan Police Department.

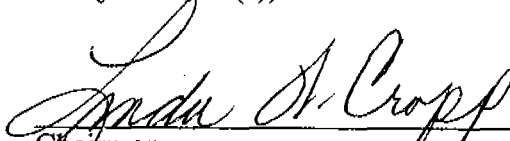
Subject to adequate staffing of the police service areas, the MPD shall staff reimbursable details as requested by venue operators. Where a venue results in unusual and significant increases in vehicular or foot traffic and congestion of city streets, the MPD may establish a detail and charge the venue operator or group of venue operators for the presence of those MPD officers required to maintain the flow of traffic and public safety within the police service area where the venue is located.

Sec. 5. Fiscal impact statement.


The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 23, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Type: Emergency (x) Temporary (x) Permanent () *	Date Reported: May 2004
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Subject/Short Title: "Public Congestion and Venue Protection Emergency Act of 2004"
"Public Congestion and Venue Protection Temporary Act of 2004"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
Explanation:		
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	(x)

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. The proposed legislation would affect the District of Columbia Metropolitan Police Department. The bill requires that venues that attract large numbers of people inform the Metropolitan Police Department of their schedule and obtain adequate police presence at the event for the safety of the public. MPD would be required to staff reimbursable details as requested by venue operators. Where venues result in increases in vehicular or foot traffic and congestion of city streets, the MPD may establish a detail and charge the Venue Operator or group of Venue Operators for the presence of those MPD officers required to maintain the flow of traffic and public safety within the Police Service Areas(s) where the Venue(s) are located.	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? The proposed bill is designed in the interest of public safety and security. It is intended to control vehicular and human congestion at venues that attract large numbers of people. Requiring venues that attract large numbers of people to inform the Metropolitan Police Department of their event would be in the interest of public safety and security.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? The proposed bill would not result in additional expenditures by the District of Columbia government. The assignment of officers to public venues that attract large numbers of people would be reimbursable by the public venue. The venue would be responsible for the cost of assigning officers to their locations.	(x)	()

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-453

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004*Codification
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2004 Fall
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Publisher

To amend, on an emergency basis, the Office of Property Management Establishment Act of 1998 to impose a requirement that the Office of Property Management report to the Council before entering into a contract in excess of \$500,000, including a contract with a party where multiple contracts with that party over a 12-month period exceed \$500,000 in the aggregate (in the case of sole source contracts in excess of \$50,000), and to require that all planned relocations of District government facilities be accompanied by a complete funding certification which analyzes all material, operational and other direct costs, such as anticipated lost revenue, likely to be incurred in relocating District government facilities; and to require a report by the Office of Property Management on the tenant representation program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Property Management Reform Emergency Amendment Act of 2004".

Sec. 2. The Office of Property Management Establishment Act of 1998, effective March 26 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended by adding new sections 1806a and 1806b to read as follows:

"Sec. 1806a. Report to the Council on certain contracts.

"(a) For the purposes of this section, the term:

"(1) "Contract" includes a contract, lease, or any amendment or addendum to a contract or lease; task order; or purchase order.

"(2) "Party" includes any person or entity, including a corporation, general or limited partnership, limited liability company, trust, association, or cooperative, or any person, entity, owning or owned by (in any percentage) such person or entity.

"(b) At least 30 days before entering into any contract, the Office shall provide a report to the Council if the contract:

"(1) Exceeds \$500,000;

"(2) Is an addendum or an amendment to a contract, which contract, together

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with all addenda or amendments, in the aggregate, exceeds \$500,000;

“(3) Together with all contracts between the Office and a party, in the aggregate during a 12-month period, exceeds \$500,000;

“(4) Is a sole source contract which exceeds \$50,000;

“(5) Is an addendum or an amendment to a sole source contract, which contract, together with all addenda or amendments, in the aggregate, exceeds \$50,000; or

“(6) Together with all sole source contracts between the Office and a party, in the aggregate during a 12-month period, exceeds \$50,000.

“(c) The report shall include:

“(1) A summary of the material terms of the contract;

“(2) A copy of the contract; and

“(3) If subsection (b)(2), (3), (5), or (6) of this section apply, a summary of the material terms of each contract and a copy of each contract.

“Sec. 1806b. Report to the Council on relocation.

“At least 90 days prior to any relocation of District government facilities, the Office shall provide to the Council a complete funding certification which analyzes all material, operational, and other direct costs, including anticipated lost revenues, likely to be incurred in relocating District government facilities.”.

Sec. 3. The Office of Property Management shall provide to the Council an analysis of the costs and benefits of instituting a new tenant representation program within 90 days of the effective date of this act.

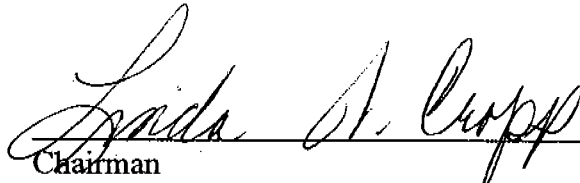
Sec. 4. Fiscal impact statement.


The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input checked="" type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported:
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Subject/Short Title:	"OFFICE OF PROPERTY MANAGEMENT REFORM EMERGENCY AMENDMENT ACT OF 2004"
	"OFFICE OF PROPERTY MANAGEMENT REFORM TEMPORARY AMENDMENT ACT OF 2004"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()

Explanation:

THE BILL ESTABLISHES A THRESHOLD FOR REPORTING TO THE COUNCIL ON THE LEASE MANAGEMENT AND CONSTRUCTION MANAGEMENT ACTIVITIES OF THE OFFICE OF PROPERTY MANAGEMENT. THIS IS GAP FILLING LEGISLATION TO REPLACE A TEMPORARY BILL SET TO EXPIRE ON JULY 2, 2004

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District.	(X)	()
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(X)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(X)	()

Sources of information:

Councilmember: JIM GRAHAM

Staff Person & Tel: STEVEN HERNANDEZ x48107

Council Budget Director's Signature: *ATB*

5/22/04

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-454

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004

To amend, on an emergency basis, Title 32 of the District of Columbia Rules and Regulations to clarify that certain restrictions applicable to the use of motor vehicles apply to the use of motorized bicycles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Motorized Bicycle Responsibility Clarification Emergency Amendment Act of 2004".

Sec. 2. Section 12.201(b) of Title 32 of the District of Columbia Rules and Regulations, effective April 13, 1977 (D.C. Law 1-110; 18 DCMR § 1201.17) is amended to read as follows:

"(b) All provisions of this section shall be equally applicable to the operation and riding of motorized bicycles, except as specifically provided in this chapter; provided, that nothing in this chapter shall be so construed as to limit the applicability of 18 DCMR Chapters 1, 4, 5, 6, and 7 with respect to the licensing, registration, sale, inspection, or equipment of motorized bicycles, motorcycles, and all terrain vehicles."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

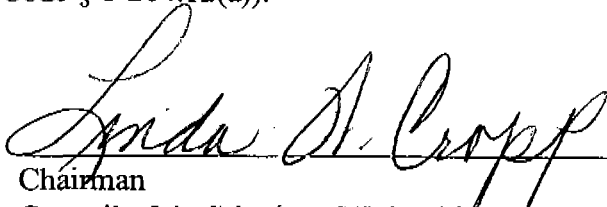
Sec. 4. Effective date.

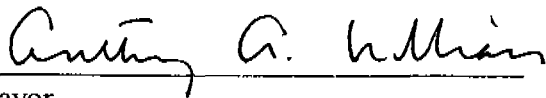
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 23, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-455

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.West Group
Publisher

To amend the District of Columbia Election Code of 1955 to allow residents of the District of Columbia who are 16 or 17 years of age to serve as pollworkers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Youth Pollworker Amendment Act of 2004".

Sec. 2. Section 5(e) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-1001.05(e)) is amended by adding a new paragraph (4) to read as follows:

Amend
§1-1001.05

"(4) The Board shall select, appoint, and fix the compensation of temporary election workers to operate the polling places, including precinct captains who shall oversee the operations of polling places in accordance with rules and regulations prescribed by the Board, and polling place workers who shall assist the precinct captains. Precinct captains shall be qualified registered electors in the District of Columbia. Polling place workers shall be qualified registered electors in the District of Columbia, except that the Board may also appoint as polling place workers individuals who are 16 or 17 years of age on the day that they are working in this capacity, who reside in the District of Columbia, and who are enrolled in or have graduated from a public or private secondary school or an institution of higher education."

Sec. 3. Fiscal impact statement.

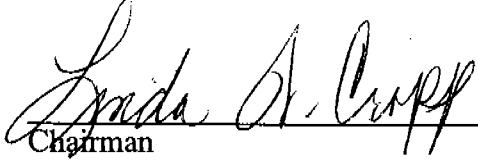
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).


Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30-day period of Congressional review

ENROLLED ORIGINAL

as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-456*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
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Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish oversight of the General Counsel by the Executive Director within the Office of Employee Appeals, to include reductions in force within the jurisdiction of the Office of Employee Appeals, and to establish a consistent deadline to appeal a reduction in force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Employee Appeals Amendment Act of 2004".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-606.01 *et seq.*), is amended as follows:

(a) Section 601(g)(1)(B) (D.C. Official Code § 1-606.01(g)(1)(B)) is amended to read as follows:

Amend
§ 1-606.01

"(B) A General Counsel, who shall report to the Executive Director."

(b) Section 603(a) (D.C. Official Code § 1-606.03(a)) is amended by adding the phrase ", reduction in force (pursuant to title XXIV)" after the phrase "that results in removal".

Amend
§ 1-606.03

(c) Section 2404 (D.C. Official Code § 1-624.04) is amended by striking the number "15" and inserting the number "30" in its place.

Amend
§ 1-624.04

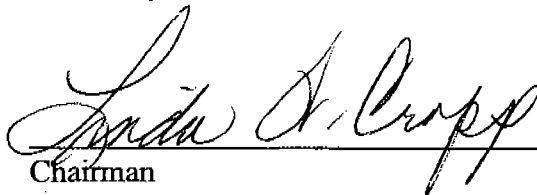
Sec. 3. Fiscal impact statement.


The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT**

Type: Emergency () Temporary () Permanent (X)	Date Reported: Nov 2003
--	-------------------------

Subject/Short Title: "Office of Employee Appeals Amendment Act of 2003"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
Explanation:		
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	(x)

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. It will affect the Office of Employee Appeals	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? The proposed legislation establishes that the general counsel of the OEA shall report to the executive director, that the OEA is authorized to hear RIF appeals, and that the deadline for filing RIF appeals is 30 days.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(x)

Sources of information: Staff

Councilmember: Vincent B. Orange, Sr.

Staff Person & Tel: Marc Battle (202) 724-8153

Council Budget Director's Signature: *ATB Battle*

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-457

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004

Codification
District of
Columbia
Official Code

2001 Edition

2004 Fall
Supp.West Group
Publisher

To amend the Advisory Commission on Sentencing Establishment Act of 1998 to rename the commission the District of Columbia Sentencing Commission and to require the commission to assist the Superior Court of the District of Columbia in implementing, as a pilot program, the comprehensive structured sentencing system recommended by the commission; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Advisory Commission on Sentencing Structured Sentencing System Pilot Program Amendment Act of 2004".

Sec. 2. The Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 3-101) is amended as follows:

Amend
§ 3-101

(1) The section heading is amended by striking the phrase "Advisory Commission on Sentencing" and inserting the phrase "District of Columbia Sentencing Commission" in its place.

(2) Subsection (a) is amended by striking the phrase "Advisory Commission on Sentencing" and inserting the phrase "District of Columbia Sentencing Commission" in its place.

(b) Section 6 (D.C. Official Code § 3-105) is amended by adding a new subsection (e) to read as follows:

Amend
§ 3-105

"(e) The Commission shall assist the Superior Court of the District of Columbia in implementing, as a pilot program, the comprehensive structured sentencing system that was recommended by the Commission pursuant to subsection (d) of this section. No later than December 1, 2006, the Commission shall submit to the Council its final recommendation on the comprehensive structured sentencing system."

Sec. 3. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 406(b)(19) (D.C. Official Code § 1-604.06(b)(19)) is amended by striking the phrase "Advisory Commission on Sentencing" in both places it appears and inserting the phrase "District of Columbia Sentencing Commission" in its place.

Amend
§ 1-604.06

(b) Section 903(a)(6C) (D.C. Official Code § 1-609.03(a)(6C)) is amended by striking

Amend
§ 1-609.063

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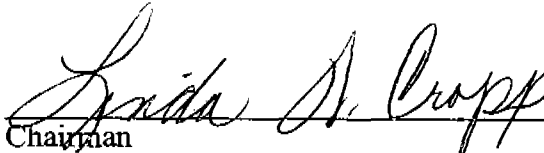
the phrase "Advisory Commission on Sentencing" and inserting the phrase "District of Columbia Sentencing Commission" in its place.


Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-458

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004

To order the closing of a portion of a 12-foot wide unimproved north-south public alley in Square 235, bounded by V Street, N.W., W Street, N.W., 13th Street N.W., and 14th Street, N.W., in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Portion of a Public Alley in Square 235, S.O. 03-2526, Act of 2004".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portion of the alley system in Square 235, as shown on the surveyor's plat filed under S.O. 03-2526, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the surveyor's plat. The approval of the Council of this closing is contingent upon the establishment of an easement for alley purposes on the alley to be closed and the satisfaction of all conditions set forth in the official file of S.O. 03-2526.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

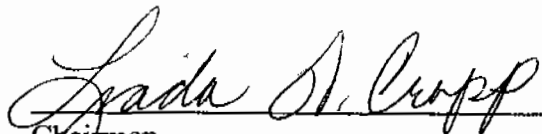
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

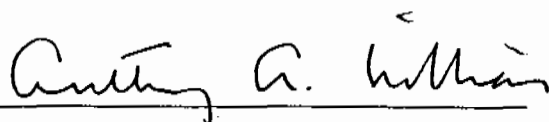
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-459

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.

West Group
Publisher

To amend section 3 of the Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Act of 2002 to reference the revised Surveyor's plat filed under S.O. 00-89.

BE IT ENACTED THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Technical Amendment Act of 2004".

Sec. 2. Section 3 of the Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Act of 2002, effective April 4, 2003 (D.C. Law 14-287; D.C. Official Code § 9-203.02, note), is amended by adding the word "revised" after the phrase "as shown on the" in the first sentence.

Note,
§ 9-203.02

Sec. 3. Fiscal impact statement.

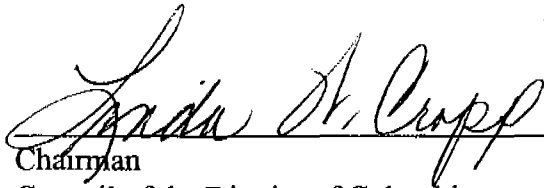
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

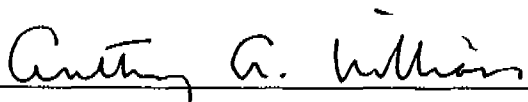
Sec. 4. Effective date.

This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-460

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, the National Capital Revitalization Act of 1998 to clarify the procedures by which the National Capital Revitalization Corporation may exercise its eminent domain authority, and to approve the exercise of eminent domain authority by the National Capital Revitalization Corporation or the RLA Revitalization Corporation in the Skyland area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Temporary Amendment Act of 2004".

Sec. 2. The National Capital Revitalization Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1219.01) is amended as follows:

Note,
§ 2-1219.01

(1) A new paragraph (30A) is added to read as follows:

"(30A) "Project area" means a geographic area designated by the Corporation, by a majority vote of the Board, for which the Corporation has developed a site and use plan, which shall include the following elements:

"(A) The reasons for the designation of the area;

"(B) A description of the area, which shall include:

"(i) The total number of square feet or acres within the area;

"(ii) A map of the area that identifies the property; and

"(iii) A description of the physical and economic conditions existing in the area;

"(C) A description of the development proposed by the Corporation for the area, including:

"(i) A description of the buildings, other structures, parks, public

ENROLLED ORIGINAL

spaces, or public amenities to be constructed or rehabilitated; and

“(ii) A description of the uses to be located on the site; and

“(D) A description of how the development in the area will improve or alleviate the conditions described in subparagraph (B)(iii) of this paragraph.”.

(2) A new paragraph (36A) is added to read as follows:

“(36A) “Slum area” means an area where there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired or substandard by reason of dilapidation, deterioration, age, or obsolescence which:

“(A) Contribute to physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime; and

“(B) Endanger life or property by fire or other causes.”.

(b) Section 8(b) (D.C. Official Code § 2-1219.07(b)) is amended by striking the phrase “shall be subject to the following Council review provisions” and inserting the phrase “shall be conducted pursuant to the following procedures” in its place.

Note,
§ 2-1219.07

(c) Section 20 (D.C. Official Code § 2-1219.19) is amended as follows:

Note,
§ 2-1219.19

(1) Subsection (a) is amended as follows:

(A) The introductory language is amended as follows:

(i) Add the phrase “; provided, the declaration of taking may be signed by the chief executive officer of the Corporation” after the phrase “16-1316”.

(ii) Strike the phrase “to be a” and insert the phrase “to be” in its place.

(B) Paragraphs (1), (2), (3), and (4) are amended to read as follows:

“(1) A redevelopment district;

“(2) A project area;

“(3) A blighted area or slum area; or

“(4) A blighted area, slum area, or substandard area within the meaning of the Redevelopment Act;”.

(C) New paragraphs (5) and (6) are added to read as follows:

“(5) An area subject to an urban renewal or redevelopment plan; or

“(6) An area subject to a neighborhood development plan.”.

(2) Subsection (b) is amended by striking the phrase “any exercise of eminent domain powers that is approved by an affirmative vote of the Corporation shall be submitted to the Council” and inserting the phrase “the Corporation shall submit to the Council a resolution to approve the exercise of eminent domain powers” in its place.

(3) A new subsection (c) is added to read as follows:

“(c) Notwithstanding the second or last sentence of subsection (a) of this section and notwithstanding subsection (b) of this subsection the Council, finding that the properties below are necessary and desirable for the public use, approves the exercise of eminent domain by the

ENROLLED ORIGINAL

National Capital Revitalization Corporation or the RLA Revitalization Corporation for the following parcels and lots and squares: Square 5632, Lot 1; Square 5632, Lot 2; Square 5632, Lot 3; Square 5632, Lot 4; Square 5632, Lot 5; Square 5632, Lot 802; Square 5633, Lot 800; Square 5633, Lot 801; Square 5641, Lot 0010; Square 5641, Lot 0011; Square 5641, Lot 0012; Square 5641, Lot 0012; Square 5641, Lot 0891; Square 5641N, Lot 0012; Square 5641N, Lot 0013; Square 5641N, Lot 0014; Square 5641N, Lot 0015; Square 5641N, Lot 0016; Square 5641N, Lot 0017; Square 5641N, Lot 0018; Square 5641N, Lot 0019; Square 5641N, Lot 0020; Square 5641N, Lot 0021; Square 5641N, Lot 0022; Square 5641N, Lot 0023; Square 5641N, Lot 0024; Square 5641N, Lot 0025; Square 5641N, Lot 0026; Square 5641N, Lot 0027; Square 5641N, Lot 0028; Square 5641N, Lot 0029; Square 5641N, Lot 0030; Square 5641N, Lot 0031; Square 5641N, Lot 0033; Parcel 02130052; Parcel 02130060; Parcel 02130061; Parcel 02140062; Parcel 02140088; Parcel 02140104; Parcel 02140182; Parcel 02140187; Parcel 02140189; Parcel 02140190; and Parcel 02140196 and for any other parcel located within the geographic area bounded by a line beginning at a point at the intersection of the northerly line of Good Hope Road, S.E., with the northerly line of Alabama Avenue, S.E., and running thence Northwesterly along said line of Good Hope Road, S.E., extended, to intersect a point on the east line of Naylor Road, S.E.; thence Northwesterly along said line of Naylor Road, to a point at the northwesterly corner of Lot 801 in Square 5633; thence Northeasterly along the northerly line of said lot & square, to a point at the westernmost corner of Parcel 213/52; thence continuing northeasterly along the northerly line of said Parcel 213/52, to a point at the southwesterly corner of Parcel 213/60; thence northwesterly along the arc of a curve, deflecting to the right, along the westerly line of said Parcel 213/60, to a point at the northernmost corner of said Parcel 213/60; thence Southeasterly along the easterly lines of said Parcels 213/60 and 213/52, to a point at the northwesterly corner of Lot 33 in Square North of Square 5641; thence Easterly along the north property lines of said Lot 33, and Lots 16 through 31, both inclusive, in Square North of Square 5641, to a point at the northeast corner of said Lot 31 in said square; thence South along the east line of said Lot 31 in said square, to a point at the southeast corner thereof; thence Westerly along the south lines of said Lots 31, 30, 29, 28, 27, 26, 25, 24, 23 and 22 in said square, to a point at the southwest corner of said Lot 22, to intersect a line drawn Northwesterly from the northeast corner of Lot 12 in Square North of Square 5641; thence Southeasterly along said line drawn and the east line of said Lot 12 in said square, to a point at the southeast corner thereof, to a point that intersects a line drawn Northwesterly from the northeast corner of Lot 13 in Square 5641; thence Southeasterly along said line drawn and the east line of said Lot 13 in said square, to a point at the southeast corner thereof; thence Southwesterly along the south property lines of Lots 13 and 12 in Square 5641, to a point that intersects a line drawn Northwesterly from the northeast corner of Lot 819 in Square 5641; thence Southeasterly along said line drawn and the east line of said Lot 819 in said square, to a point at the southeast corner of said Lot 819 in said square, on the north line of Alabama.

ENROLLED ORIGINAL

Avenue, S.E.; and thence southwesterly along the arc of a circle, deflecting to the right, along said line of Alabama Avenue, to the point of beginning.”.

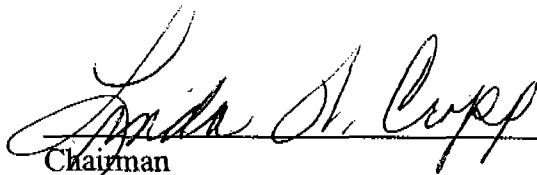
Sec. 3. Fiscal impact statement.


The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number: 15-752

Type: Emergency () Temporary () Permanent (X)

Date Reported: May 2004

Subject/Short Title: National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Amendment Act of 2004

Part I. Summary of the Fiscal Estimates of the Bill

- | | YES | NO |
|--|-------|-------|
| 1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet). | () | (X) |
| a) It will affect local expenditures. | () | () |
| b) It will affect federal expenditures. | () | () |
| c) It will affect private/other expenditures. | () | () |
| d) It will affect intra-District expenditures. | () | () |
| 2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet). | () | (X) |
| a) It will impact local revenue. | () | () |
| b) It will impact federal revenue. | () | () |
| c) It will impact private/other revenue. | () | () |
| d) It will impact intra-District revenue. | () | () |
| 3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below). | (X) | () |
- The legislation would authorize the National Capital Revitalization Corporation or the RLA Revitalization Corporation to exercise eminent domain authority to implement the Skyland shopping center redevelopment project. The legislation does not require any expenditures; it merely provides authority to these agencies to take certain actions.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.


- | | YES | NO |
|--|-------|-------|
| 1. It will affect an agency and/or agencies in the District.
The legislation would authorize the National Capital Revitalization Corporation or the RLA Revitalization Corporation to exercise eminent domain authority to implement the Skyland shopping center redevelopment project. The legislation does not require either agency to exercise the authority. | (X) | () |
| 2. Are there performance measures/output for this bill? | () | (X) |
| 3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?
By authorizing NCRC and/or RLARC to exercise eminent domain for the Skyland shopping center redevelopment project, the legislation will allow this long-awaited project to move forward. | (X) | () |
| 4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?
Because the legislation merely authorizes certain actions, but does not require any actions or expenditures, no additional funds need to be appropriated at this time. | (X) | () |

Sources of information:

Councilmember: Harold Brazil

Staff Person & Tel: Barry Kreiswirth 724-8792

Council Budget Director's Signature:



ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-461

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, section 3 of the Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Act of 2002 to reference the revised Surveyor's plat filed under S.O. 00-89.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Technical Emergency Amendment Act of 2004".

Sec. 2. Section 3 of the Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Act of 2002 effective April 4, 2003 (D.C. Law 14-287; D.C. Official Code § 9-203.02, note), is amended by adding the word "revised" after the phrase "as shown on the" in the first sentence.

Note,
§ 9-203.02

Sec. 3. Fiscal impact statement.

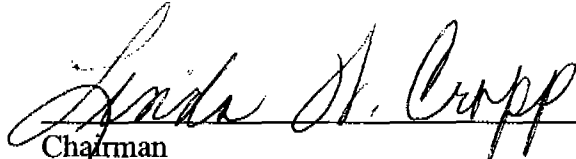
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

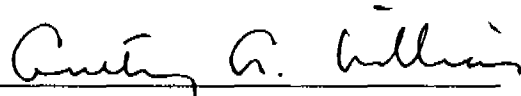
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-462

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 24, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.West Group
Publisher

To regulate, on an emergency basis, the operation of recreational motor vehicles, to define reckless operation of a recreational vehicle and prescribe penalties for the reckless operation of a recreational motor vehicle; and to amend the District of Columbia Traffic Act, 1925 and the District of Columbia Revenue Act of 1937 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition on the Reckless Operation of Recreational Motor Vehicles Emergency Act of 2004".

Title I. Recreational Motor Vehicles.

Sec. 101. Recreational motor vehicle defined.

For the purposes of this title the term "recreational motor vehicle" means any 2, 3, or 4 wheeled motor vehicle, as defined in section 7(f) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01), that is constructed in such a way that an individual is not required to open a door to enter or exit the motor vehicle (including any motor vehicle that carries an individual operating the motor vehicle with or without passengers) where the individual operating the motor vehicle straddles or sits upon the motor vehicle and is exposed, from the waist to the foot, to the weather while operating the motor vehicle. "Recreational motor vehicle" includes motorcycles, dirt bikes, all-terrain vehicles, scooters, mopeds, motorized bicycles, pocket-bikes, motorized scooters, and mini-sport bikes. "Recreational motor vehicle" does not include automobiles, trucks, minivans, buses, sport-utility vehicles or any other motor vehicle where an individual is required to open a door to enter or exit the vehicle.

Sec. 102. Operation of recreational motor vehicles.

(a) Except as provided in subsection (b) of this section, no person shall operate at any time a recreational motor vehicle in the public space, including sidewalks, streets, and alleys, in

ENROLLED ORIGINAL

the District without a permit to operate a recreational motor vehicle issued pursuant to section 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01), without registering the recreational motor vehicle pursuant to section 2 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02), or without insurance coverage pursuant to the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.01 *et seq.*).

(b)(1) The Mayor may exempt any person from the requirements of this section if the Mayor determines that the recreational motor vehicle in question is associated with sporting and exhibition events held in accordance with a valid permit issued by the District.

(2) A person under the age of 16 may operate a recreational motor vehicle only under the visual supervision of an adult.

(c) The Mayor may inspect at any time the registration documents carried on a person or recreational vehicle pursuant to the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.01 *et seq.*), an operator's permit issued pursuant to section 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01), or evidence of insurance required by the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.01 *et seq.*), for compliance with this title.

Sec. 103. Reckless operation of a recreational motor vehicle.

(a) The Mayor may confiscate any recreational motor vehicle that is operated by any person in a reckless manner.

(b) The Mayor may suspend the operating permit of any person who operates a recreational motor vehicle in a reckless manner.

(c) The Mayor may issue a report to a person's insurance carrier of the confiscation of a recreational motor vehicle or the suspension of a person's operating permit pursuant to this section.

(d) The Mayor may issue a fine to any person who operates a recreational motor vehicle in a reckless manner not to exceed the following dollar amounts:

- (1) \$500 for the first offense;
- (2) \$1,000 for the second offense; and
- (3) \$3,000 for the third offense.

(e) For the purposes of this section, the reckless operation of a recreational motor vehicle shall include any of the following:

(1) Operating a recreational motor vehicle in the public space, including sidewalks, streets, and alleys, in the District without registering the recreational motor vehicle pursuant to the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.01 *et seq.*);

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(2) Operating a recreational motor vehicle in the public space, including sidewalks, streets, and alleys, in the District without an operator's permit issued pursuant to section 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01);

(3) Operating a recreational motor vehicle in the public space, including sidewalks, streets, and alleys, in the District without insurance pursuant to the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.01 *et seq.*);

(4) Operating a recreational motor vehicle in the public space, including sidewalks, streets, and alleys, by a person under the age of 16 without the visual supervision of an adult.

(5) Otherwise operating a recreational motor vehicle in a reckless manner; or

(6) Using a recreational motor vehicle to facilitate the commission of a crime.

Sec. 104. Rules.

The Mayor shall promulgate rules, in accordance with Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), within 60 day of the effective date of Prohibition on the Reckless Operation of Recreational Motor Vehicles Emergency Amendment Act of 2004 to carry out the purposes and functions of this title.

Title II. Conforming Amendments.

Sec. 201. Section 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01), is amended as follows:

Note,
§ 50-1401.01

(1) Subsection (a) is amended as follows:

(A) Paragraph (1)(B)(ii) is amended by striking the last sentence.

(B) A new paragraph (1A) is added to read as follows:

“(1A) The Mayor shall issue a distinct operator's permit for the operation of a recreational motor vehicle separate from any other permit to operate a motor vehicle.”

(2) Subsection (f) is amended as follows:

(A) The existing language is designated as paragraph (1).

(B) A new paragraph (2) is added to read as follows:

“(2) For the purposes of this act the term “recreational motor vehicle” means any 2, 3, or 4 wheeled motor vehicle that is constructed in such a way that an individual is not required to open a door to enter or exit the motor vehicle (including any motor vehicle that carries an individual operating the motor vehicle with or without passengers) where the individual operating the motor vehicle straddles or sits upon the motor vehicle and is exposed, from the waist to the foot, to the weather while operating the motor vehicle. “Recreational

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motor vehicle" includes motorcycles, dirt bikes, all-terrain vehicles, scooters, mopeds, motorized bicycles, pocket-bikes, motorized scooters, and mini-sport bikes. "Recreational motor vehicle" does not include automobiles, trucks, minivans, buses, sport-utility vehicles or any other motor vehicle where an individual is required to open a door to enter or exit the vehicle."

Sec. 202. The District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

(1) Section 1 (D.C. Official Code § 50-1501.01) is amended by adding a new paragraph (1A) to read as follows:

Note,
§ 50-1501.01

"(1A) The term "recreational motor vehicle" means any 2, 3, or 4 wheeled motor vehicle that is constructed in such a way that an individual is not required to open a door to enter or exit the motor vehicle (including any motor vehicle that carries an individual operating the motor vehicle with or without passengers) where the individual operating the motor vehicle straddles or sits upon the motor vehicle and is exposed, from the waist to the foot, to the weather while operating the motor vehicle. "Recreational motor vehicle" includes motorcycles, dirt bikes, all-terrain vehicles, scooters, mopeds, motorized bicycles, pocket-bikes, motorized scooters, and mini-sport bikes. "Recreational motor vehicle" does not include automobiles, trucks, minivans, buses, sport-utility vehicles or any other motor vehicle where an individual is required to open a door to enter or exit the vehicle."

(2) Section 2 (D.C. Official Code § 50-1501.02) is amended as follows:

Note,
§ 50-1501.02

(A) Subsection (a) is amended by striking the phrase "Except as provided by" and inserting the phrase "Except as provided by subsection (c-1) of this section and" in its place.

(B) A new subsection (c-1) is added to read as follows:

"(c-1) The Mayor may issue a registration certificate for a recreational motor vehicle."

(3) Section 3(b)(5) (D.C. Official Code § 50-1501.03(b)(1)(5)) is amended by striking the phrase "motorized bicycle" and inserting the phrase "recreational motor vehicle" in its place.

Title III. Fiscal Impact Statement and Effective Date Clause.

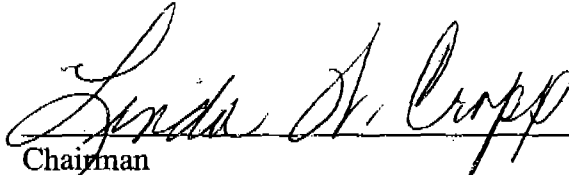
Sec. 301. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
June 23, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: June 2004
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Subject/Short Title: Reckless Motorized Bicycle, Tricycle and Four-wheeled Vehicle Operation Amendment
Emergency Act of 2004

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(<input checked="" type="checkbox"/>)
a) It will affect local expenditures.	()	(<input checked="" type="checkbox"/>)
b) It will affect federal expenditures.	()	(<input checked="" type="checkbox"/>)
c) It will affect private/other expenditures.	()	(<input checked="" type="checkbox"/>)
d) It will affect intra-District expenditures.	()	(<input checked="" type="checkbox"/>)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(<input checked="" type="checkbox"/>)
a) It will impact local revenue.	()	(<input checked="" type="checkbox"/>)
b) It will impact federal revenue.	()	(<input checked="" type="checkbox"/>)
c) It will impact private/other revenue.	()	(<input checked="" type="checkbox"/>)
d) It will impact intra-District revenue.	()	(<input checked="" type="checkbox"/>)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(<input checked="" type="checkbox"/>)	()
The bill would ban the operation of certain motorized bicycle, tricycle and four-wheeled vehicles in the District, provide penalties for violation of the law and require insurance to operate some vehicles, thus the Fiscal Impact is minimal.		

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. The legislation would ban the operation of certain motorized vehicles and permit confiscation of vehicles operated in a reckless manner by the police.	(<input checked="" type="checkbox"/>)	()
2. Are there performance measures/output for this bill?	()	(<input checked="" type="checkbox"/>)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? Vehicles will remain unidentified in the law and people will use them in nefarious ways.	(<input checked="" type="checkbox"/>)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? Because the legislation merely authorizes certain actions, and does not require any actions or expenditures, no additional funds need to be appropriated at this time.	()	(<input checked="" type="checkbox"/>)

Sources of information:	Councilmember: Kevin P. Chavous
	Staff Person & Tel: Mercia E. Arnold (202) 724-7774
	Council Budget Director's Signature: <i>Arthur B. [Signature]</i>

61104

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AN ACT

D.C. ACT 15-464

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.

West Group
Publisher

To amend, on an emergency basis, the Distracted Driving Safety Act of 2004 to provide that only a warning shall be issued for a violation of the provisions of that law for the first 31 calendar days following the applicability date of the law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Distracted Driving Safety Emergency Amendment Act of 2004".

Sec. 2. Section 6 of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; 51 DCR 1541), is amended by adding a new subsection (c) to read as follows:

Note,
§ 50-1731.06

"(c) Notwithstanding any other provision of this act, only a written warning shall be issued for a violation of the provisions of this act during the first 31 calendar days following the applicability date of the act."

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET
FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (x) Temporary () Permanent ()	Date Reported: 6/14/04
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Subject/Short Title: "Distracted Driving Safety Amendment Emergency Act of 2004"
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Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	(x)	()

Explanation for NO fiscal impact: The proposed legislation will have no fiscal impact during the first 31 days that it will be in effect.

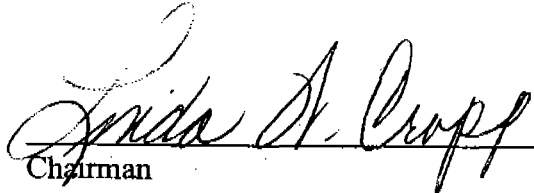
Part II. Other Impact of the Bill

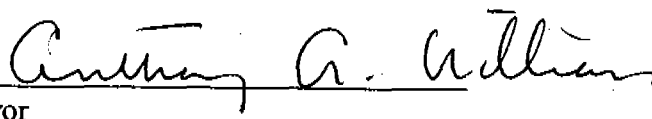
If you check "Yes" for each question, please explain on separate sheet.	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Will there be performance measures/output for bill?	()	(x)
3. Will it have results?	()	(x)
4. Will the Budget and Financial Plan be affected by this bill?	()	(x)
5. The bill will have NO performance or outcome impact.	(x)	()

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 23, 2004